

I'm a licensed amateur and recently passed my general. I currently have HF, VHF, and UHF antennas, and maintain a 12V 330 Ah battery bank and a tri-fuel generator for backup power. I live in an HOA that is relatively remote, at the foothills of mountains, and radio communication would likely be the only link during a widespread emergency. While there is no outright prohibition against antennas at my HOA, they're all subject to the whims of an "architectural committee". My antennas are modest and stealthy, yet I could be asked to remove them at any time. I would like to write a bit about HOAs as it relates to the question you're considering: should amateur radio antennas be exempt from CC&Rs?

It's often said that no one is forced to move to an HOA, and that if one doesn't like the rules, one is free to move elsewhere. That's not always true, however. In areas such as my own, HOAs are the only option, and nearly all new development falls under these highly planned and regimented communities. Additionally, adolescent hams--the future of amateur radio--don't have the option to move elsewhere.

It's also pointed out that those who move to an HOA agreed to the rules. Again, this is not true of adolescents, who have no choice but to live with their guardians and accept whatever existential antenna circumstances they happen to find themselves in. Adolescents aside, it's very unlikely that everyone in an HOA agrees with all the rules they legally agreed to follow, just as we must follow laws we may not agree with. It's certainly not as though the community got together and had a "Constitutional Convention" and crafted a set of rules. On the contrary, CC&Rs are written by developers and planners with little regard for what the actual community wants. They're often cookie-cutter and vary little from one area to the next. And while it's possible to change the rules, it's extremely difficult because it requires widespread attendance at meetings and a genuine interest in local governance. Few people take an interest in getting to know their immediate neighbors, let alone take part in HOA politics. Apathy is the rule--not the exception. Moreover, the HOAs in my area are dominated by snowbirds who are not even in the state for months at a time, so it would be quite impossible to obtain the needed attendance and votes for any change. In all the years I've been here, I've never seen the CC&Rs changed once. More often than not, when a change is desired by a community, it results in rules being ignored or unenforced rather than changed in print.

Anything written can be interpreted in different ways, and most CC&Rs go out of their way to include a great deal of subjectivity. For example, in my own HOA, a mysterious and powerful body called the "architectural committee" decides nearly everything--including what antennas may or may not be installed. But you will be hard-pressed to find their decisions in writing, to find out who is on the committee, where they meet, etc. The rules are applied subjectively and inconsistently, with the committee acting as all branches of government simultaneously. They decide on the rules, they decide what gets enforced, and they interpret rules however they wish.

Ultimately, my point is to show that curtailing the power of HOA's to self-regulate will not trample on the rights and self-determination of their many members, because those members did not decide on the rules, do not decide on the rules, and neither vote nor attend meetings. They accept the rules and pay their dues because that's what's required in order to live in the home they want, on the land they want, and in the area they want. Doubtless if they could have the home and the land without the HOA and associated fees they would do so.